



## OAKLAND UNIFIED SCHOOL DISTRICT

---

January 15, 2019

### **Dear Certificated Staff,**

Your site has been identified as one of the schools 1) with teachers who participated in an illegal sick out on December 10, 2018 or 2) that plans to participate in the near future. This letter is to provide you with accurate information about illegal sick outs, “wildcat strikes” and inform you of the ramifications of participating in this illegal action. The District is committed to our continued work with our teachers union to resolve our contract. We remain committed to working together to better support our valued teachers. However, as your employer it is our responsibility to inform you of the ramifications of participating in sick-outs, “wildcat strikes” and to provide you with accurate information.

Your site has been identified as one of the schools 1) with teachers who participated in an illegal sick out on December 10, 2018 or 2) that plan to participate in the near future. The District is committed to our continued work with our teachers union to resolve our contract. We remain committed to working together to better support our valued teachers. However, as your employer it is our responsibility to inform you of the ramifications of participating in sick-outs, “wildcat strikes” and to provide you with accurate information.

### **1. Sick Outs, Strikes and Other Concerted Activities are Illegal, as OUSD and OEA are Currently in the Fact-finding Stage of Negotiations.**

As most of you are aware, OUSD and OEA are at an impasse in contract negotiations and currently engaged in the fact-finding process facilitated by the Public Employee Relations Board (“PERB”). During this process, concerted activities, such as sick-outs, walk-outs or strikes are illegal. Sick outs and “wildcat strikes” are illegal because, OEA and OUSD are required by law to make a final, good faith, attempt to resolve outstanding issues on the table with the assistance of a three person panel (one OEA appointee, one OUSD appointee, and one neutral appointee to serve as chair). For more information, please see the [FAQ on Sick Outs, Concerted Activities and Strikes](#). Again, any sickouts, walk-outs or strikes conducted during this time are illegal and employees are subject to consequences for participation.

### **2. OEA, the Exclusive Union Representative for Teachers, Has Not Sanctioned Any Sick-Outs, Strikes or Other Illegal Concerted Activities.**

It is important to note that OEA, has not endorsed or sanctioned any sick outs or strikes to date. This is, at least in part, because OEA can be subject to an Unfair Labor Practice charge for leading these illegal actions. If you receive incorrect information suggesting that OEA is leading a sick out, please contact



## OAKLAND UNIFIED SCHOOL DISTRICT

---

the OEA office or the District's Labor Relations office immediately. For more information on allowable organized efforts that will not put you at risk of violating the law, please contact your OEA President, Vice President or CTA staff.

### **3. Teachers Who Participate in Illegal Sick-Outs Will Be Subject to Discipline and Will Not Be Paid For Time Out.**

Teachers participating in sick-outs will be subject to disciplinary action and will lose pay for time missed as these coordinated actions present significant safety and instructional problems for our students. **Please be advised, teachers who participated in the December 10, 2018 sick out and/or teachers who participate in any future planned illegal, non-union sickouts, walk outs or strikes will face disciplinary consequences and loss of pay.**

Oakland Unified has dedicated, competent and highly professional teachers. Based on the above information, we urge our valued teachers to make the decision for themselves and for our students when deciding whether to participate in illegal activities. Should you have any questions, please feel free to contact our Labor Relations Office at (510) 879-4048.

Sincerely,

Sondra Aguilera, Chief Academic Officer  
Talent

Tara Gard, Deputy Chief